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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,667	01/18/2000	D. Amnon Silverstein	10982103-1	9949

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FORT COLLINS, CO 80527-2400

EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/484,667

Applicant(s)

SILVERSTEIN, D. AMNON

Examiner

James M. Hannett

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires 2 months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 1-10, 41 and 52.
- Claim(s) objected to: 24-27, 29, 30, 33-36, 38-40, 42, 43, 49, 50 and 52.
- Claim(s) rejected: 22, 23, 28, 31, 32, 37, 44-48 and 51.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See examiners response to arguments.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/27/2005 have been fully considered but they are not persuasive. The applicant argues that Egawa does not teach an apparatus that is capable of "sensing motion" of the apparatus, nor is there any mechanism for "interpreting sensed motion" of the apparatus as a user interface input.

The examiner disagrees with the applicant. The examiner points out that the claims are being viewed broadly by the examiner. Egawa teaches a camera that has scroll buttons (4 and 5) which when pressed will instruct the camera to shift the image being displayed on the display (3). The claim does not require the motion to be sensed by a specific type of motion sensor. The claim further does not state what type of motion is sensed by the camera. Therefore, the examiner views the process of pressing buttons (4 or 5) which results in changing the location of the button. I.e. the button is depressed and therefore, has moved, is viewed by the examiner as the process of detecting sensed motion of the camera. In Egawa, Pressing the scroll buttons with result in the buttons being depressed and therefore, in a different location. The camera control circuitry detects this movements and sends an electronic signal which instructs the displayed image on the display (3) to be shifter accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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1: Claims 22, 23, 28, 31, 32, 37, and 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,138,460 Egawa.

2: As for Claim 22, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion of the camera (the value counted by the address counter as an amount of scroll); interpreting sensed motion of the camera as a user interface input (4 or 5); and presenting on the display (3) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image.

3: In regards to Claim 23, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 the interpreting step comprises determining a viewpoint (start and stop addresses) for displaying a region of a given image on the display (3) based on the sensed motion of the camera (amount of scroll). Egawa teaches that the amount of scroll designated by a user corresponds to the amount of movement; the size of the region of the first captured image will be varied base on the amount of scroll.

4: As for Claim 28, Egawa teaches on Column 7, Lines 15-33 and depicts in Figure 12 the sensing step comprises tracking motion of the camera. Egawa teaches the initial frame and the next frame to be captured are superimposed on the display. Egawa teaches that a user can track the accuracy of the overlapped images by viewing the superimposed image on the display and

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taking the picture only when the duplicate portions precisely overlap each other so that the image of the preceding frame becomes invisible. This is viewed by the examiner as tracking motion of the camera.

5: In regards to Claim 31, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a camera, comprising: a display (3); a motion sensor configured to sense motion of the camera (the circuitry that tracks the value counted by the address counter as an amount of scroll is viewed as the motion sensor circuitry); and circuitry configured to interpret sensed motion of the device as a user interface input (4 and 5) and to present on the display (3) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image.

6: As for Claim 32, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 the interpreting step comprises determining a viewpoint (start and stop addresses) for displaying a region of a given image on the display (3) based on the sensed motion of the camera (amount of scroll). Egawa teaches that the amount of scroll designated by a user corresponds to the amount of movement; the size of the region of the first captured image will be varied base on the amount of scroll.

7: In regards to Claim 37, Egawa teaches on Column 7, Lines 15-33 and depicts in Figure 12 the sensing step comprises tracking motion of the camera. Egawa teaches the initial frame and

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the next frame to be captured are superimposed on the display. Egawa teaches that a user can track the accuracy of the overlapped images by viewing the superimposed image on the display and taking the picture only when the duplicate portions precisely overlap each other so that the image of the preceding frame becomes invisible. This is viewed by the examiner as tracking motion of the camera.

8: As for Claim 44, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion of the camera (the value counted by the address counter as an amount of scroll); interpreting sensed motion of the camera as a user interface input (4 and 5); and presenting images on the display (3) in accordance with the interpreted user interface input, wherein presenting comprises presenting different portions of a virtual panoramic in the display in accordance with the interpreted user interface input, wherein the vertical panorama is composed of multiple images captured by the camera. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image in order to form a panoramic image.

9: In regards to Claim 45, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion of the camera as a user interface input (the circuitry that tracks the value counted by the address counter as an amount of scroll is viewed as the motion sensor circuitry); presenting

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images on the display (3) in accordance with the interpreted user interface input; and selecting a portion of a scene through the camera based on the interpreted user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image in order to form a panoramic image.

10: As for Claim 46, Egawa teaches on Column 3, Lines 1-27 wherein the selecting the scene portion comprises designation boundaries of a region of a scene (image address generating device).

11: In regards to Claim 47, Egawa teaches on Column 3, Lines 1-27 storing the designated region boundaries (image addresses) in the camera.

12: As for Claim 48, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion of the camera (the circuitry that tracks the value counted by the address counter as an amount of scroll is viewed as the motion sensor circuitry); interpreting sensed motion of the camera as a user interface input (4 and 5); presenting images on the display in accordance with the interpreted user interface input; and modifying a captured image in response the interpreted user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the

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current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image in order to form a panoramic image.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13: Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,138,460 Egawa.

14: In regards to Claim 51, Egawa teaches the claimed invention as discussed in Claim 22, However, Egawa does not teach the use of automatically recording time of day and geographic location data with each picture captured by the camera.

Official notice is taken that it was well known in the art at the time the invention was made to allow users of digital cameras to record recording time of day and geographic location data with each picture they capture on digital cameras in order to allow the users to remember in the distant future when and where the pictures were taken.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of recording time of day and geographic location data with each picture in the camera of Egawa in order to allow the users to remember in the distant future when and where the pictures were taken.

Allowable Subject Matter

15: Claims 1-10, and 41 are allowed.

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16: Claims 24-27, 29, 30, 33-36, 38-40, 42, 43, 49, 50, 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach the process of maintaining the position of the cursor fixed in the display while repositioning the icons in the display in a direction opposite to the sensed motion of the camera. Furthermore, the prior art does not teach.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309.

The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612


THAI TRAN
PRIMARY EXAMINER